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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,662	04/14/2004	Dany Sylvain	7000-339	7528
27820 7590 07/09/2008 WITHROW & TERRANOVA, P.L.L.C. 100 REGENCY FOREST DRIVE SUITE 160 CARY, NC 27518				
EXAMINER LU, ZHIYU				
ART UNIT 2618		PAPER NUMBER		
MAIL DATE 07/09/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/824,662

Applicant(s)

SYLVAIN, DANY

Examiner

ZHIYU LU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/07/2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 19, applicant claims "... with a wired connection via a service node to a first communication network... using a wireless connection via the service node with a second

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communication network...” But according to filed drawing Fig. 1, the wired connection and wireless connection are not facilitated via the service node but to the service node; and the first communication network and second communication network are via mediums but not to destinations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amos (US2004/0259544) in view of Dinkin (US Patent#6603965) and Baba et al. (US Patent#7184418).

Regarding claim 1, Amos teaches a mobile terminal comprising:

a first interface in the mobile terminal (104 of Fig. 1) and adapted to facilitate communications with a connection via a service node (302 of Fig. 3) to a first communication network (314 of Fig. 3);

a second interface (102 of Fig. 1) in the mobile terminal and adapted to facilitate communications using a wireless connection via the service node (302 of Fig. 3) with a second communication network (316 of Fig. 3); and

a control system (204 of Fig. 1) operatively associated with the first and second interfaces and adapted to:

establish a communication session using signaling with the service node, where the communication session is associated with a first indicia over the first and second communication networks via the first and second interfaces (paragraphs 0036-0038); and select the first interface for establishing the communication session over the first communication network, when the connection via the first interface is available (paragraph 0041).

But, Amos does not expressly disclose the connection facilitated with the first interface being a wired connection; and the communication session is associated with a first indicia wherein the first indicia is a communication session identification provided by the service node.

However, the cordless telephone system (100 & 200 of Fig. 3) of Amos provides wired connection via a LAN network connection to the service node, where the wireless handset docks to the cordless base station (paragraphs 0033, 0035), which would have been obviously considered as a wired connection with the mobile terminal. Amos also discloses that the service node/phone controller (302 of Fig. 3) directs incoming VoIP packets to either the cordless phone system (200 of Fig. 3) or the access point (304 of Fig. 3) based on registration of the wireless handset (paragraph 0037).

Dinkin teaches a mobile terminal is equipped with both wireless and wired interfaces (Fig. 2, column 4 lines 5-38), which would have been obvious to be incorporated into the mobile terminal of Amos to provide direct wired LAN connection capability.

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Baba et al. teach a mobility management using a SIP server to forward IP packet to designated mobile node while monitoring the connection environment of the mobile node associated with (column 5 lines 9-49), wherein the session ID remains the same with temporary IP address changes if mobile node changes connection environment (column 13 lines 46-59, column 15 lines 6-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate using wired interface equipped mobile terminal taught by Dinkin and using a SIP server to manage session ID and designated address in ongoing communication taught by Baba et al. into the mobile terminal of Amos, in order to provide efficient mobility to VoIP communication.

Regarding claim 19, Amos, Dinkin, and Baba et al. teach a method as explained in response to claim 1 above.

Regarding claims 2 and 20, Amos, Dinkin, and Baba et al. teach the limitations of claims 1 and 19

Amos and Dinkin teach the control system is further adapted to determine if the wired connection via the first interface is available (paragraphs 0035, 0041 of Amos, column 4 lines 9-14 of Dinkin).

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Regarding claims 3 and 21, Amos, Dinkin, and Baba et al. teach the limitations of claims 1 and 19.

Baba et al. teach communications via the first interface are associated with a first address and communications via the second interface are associated with a second address (column 5 lines 9-49).

Regarding claims 4 and 22, Amos, Dinkin, and Baba et al. teach the limitations of claims 3 and 21.

Amos, Dinkin, and Baba et al. teach the control system is further adapted to register with the service node in association with the first address when the wired connection via the first interface is available (paragraph 0037 of Amos, column 5 lines 9-49 of Baba et al.).

Regarding claims 5 and 23, Amos, Dinkin, and Baba et al. teach the limitations of claims 4 and 22.

Amos, Dinkin, and Baba et al. teach the control system is further adapted to register with the service node in association with the second address when the wired connection via the first interface is not available (paragraph 0037 of Amos).

Regarding claims 6 and 24, Amos, Dinkin, and Baba et al. teach the limitations of claims 4 and 22.

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Amos, Dinkin, and Baba et al. teach the control system is further adapted to register with the service node in association with the second address prior to the wired connection via the first interface becoming unavailable (paragraph 0037 of Amos, column 5 lines 9-49 of Baba et al.).

Regarding claims 7 and 25, Amos, Dinkin, and Baba et al. teach the limitations of claims 4 and 22.

Amos, Dinkin, and Baba et al. teach the control system is further adapted to register with the service node in association with the second address prior to initiating local wireless communications via the second interface (paragraph 0037 of Amos, column 5 lines 9-49 of Baba et al.).

Regarding claims 8 and 26, Amos, Dinkin, and Baba et al. teach the limitations of claims 3 and 22.

Amos, Dinkin, and Baba et al. teach the control system is further adapted to obtain the first address after detecting an ability to communicate via the first interface, and obtain the second address after detecting an ability to communicate via the second interface (column 5 lines 9-49 of Baba et al.).

Regarding claims 9 and 27, Amos, Dinkin, and Baba et al. teach the limitations of claims 1 and 19.

Amos teaches the first interface is a docking interface adapted to couple to a docking station, which connects to the first communication network such that the wired connection is facilitated through the docking station (paragraphs 0033, 0035).

Regarding claims 10 and 28, Amos, Dinkin, and Baba et al. teach the limitations of claims 9 and 27.

Amos, Dinkin, and Baba et al. teach the first interface further comprises a network interface coupled to the docking interface (22 of Fig. 2 of Dinkin).

Regarding claims 11 and 29, Amos, Dinkin, and Baba et al. teach the limitations of claims 9 and 27.

Amos teaches the docking station comprises a network interface (210 of Fig. 2).

Regarding claims 12 and 30, Amos, Dinkin, and Baba et al. teach the limitations of claims 1 and 19.

Amos, Dinkin, and Baba et al. teach the control system is further adapted to: establish a first session for a communication with an entity via the first interface, the first session identified with the first indicia associated with the communication (as explained in response to claim 1 above); determine that communications via the first interface will no longer be possible; and initiate and establish a second session for the communication with the entity via the second interface, the second session identified with the first indicia (column 5 lines 9-49, column 13 lines 46-59, column 15 lines 6-37 of Baba et al., as explained in response to claim 1 above).

Regarding claims 13 and 31, Amos, Dinkin, and Baba et al. teach the limitations of claims 12 and 30.

Amos, Dinkin, and Baba et al. teach determining communications via the first interface will no longer be possible, the control system is adapted to detect being removed from a docking station, which is coupled to the first communication network (Fig. 4 of Amos, which would have been obvious to utilize with wired connection in terms of power saving).

Regarding claims 14 and 32, Amos, Dinkin, and Baba et al. teach the limitations of claims 12 and 30.

Amos, Dinkin, and Baba et al. teach determining communications via the first interface will no longer be possible, the control system is adapted to detect being removed from being directly coupled to the first communication network (Fig. 4 of Amos, which would have been obvious to utilize with wired connection in terms of power saving).

Regarding claims 15 and 33, Amos, Dinkin, and Baba et al. teach the limitations of claims 12 and 30.

Amos, Dinkin, and Baba et al. teach determining communications via the first interface will no longer be possible, the control system is adapted to detect a signal sent from a docking station, which is coupled to the first communication network and coupled to the mobile terminal (paragraph 0033, where network detection is known with signal detection).

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Regarding claims 16 and 34, Amos, Dinkin, and Baba et al. teach the limitations of claims 12 and 30.

Amos, Dinkin, and Baba et al. teach the control system is further adapted to: determine communications via the first interface are available (paragraph 0035, Fig. 4 of Amos, which would have been obvious to utilize with wired connection in terms of power saving); and initiate and establish a third session for the communication with the entity via the first interface, the third session for the communication identified with the first indicia (column 5 lines 9-49, column 13 lines 46-59, column 15 lines 6-37 of Baba et al., as explained in response to claim 1 above).

Regarding claims 17 and 35, Amos, Dinkin, and Baba et al. teach the limitations of claims 12 and 30.

Baba et al. teaches the first session is associated with a first address for the mobile terminal and the second session is associated with a second address for the mobile terminal (column 5 lines 9-49, column 13 lines 46-59, column 15 lines 6-37).

Regarding claims 18 and 36, Amos, Dinkin, and Baba et al. teach the limitations of claims 1 and 19.

Dinkin teaches comprising providing a cellular interface operatively associated with the control system to facilitate cellular communications (column 4 lines 33-38).

Regarding claims 37-38, Amos, Dinkin, and Baba et al. teach the limitation of claims 1 and 19.

Baba et al. teach wherein SIP call signaling is used during signaling with the service node (Fig. 6).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ZHIYU LU whose telephone number is (571)272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Z. L./
Examiner, Art Unit 2618

/Nay A. Maung/
Supervisory Patent Examiner, Art Unit
2618

Zhiyu Lu
June 17, 2008